



# ISSUE BRIEF

## CHARTER SCHOOLS

### BACKGROUND

Uniformity is not a word that would be used to characterize public education in the United States, and it would be even less true of the charter school movement. Since their origin in the early 1990s, charters exist by virtue of state law in 80 percent or 41 of the 50 states, plus the District of Columbia. No two state charter laws are alike, and the range of their success and configuration is disparate.

The current, generally-agreed-upon definition of a charter school is a public school that is nonsectarian and operates under a contract or charter that governs its operation. Charter schools may be viewed as a model for education reform, as an alternative or choice, or as an escape from a difficult local situation. Quite often they are undertaken as an experiment with education innovation and/or a public education school choice.

Charter schools have generated considerable attention in state and national media, and have been especially embraced by some in the business sector, a variety of education reformers, governors, and urban mayors in a number of cities across the United States as a new methodology to address high dropout rates and low test scores in some school districts. A number of education reformers see charters as the blending of two policy ideals, social justice and accountability. The inclusion of charter schools in the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA), known as No Child Left Behind (NCLB), significantly increased their visibility. Most recently, with the House Committee on Education and the Workforce bipartisan passage in a 35-4 vote of a new \$300 million charter schools program in H.R. 2218<sup>1</sup> that was one part of the majority party's five-part ESEA reform package; with the Senate Committee on Health, Education, Labor and Pensions reporting by a 15-7 bipartisan vote of the Harkin-Enzi ESEA reauthorization expanding the language for charter schools; with the U.S. Department of Education using state charter laws as a consideration in the awarding of the federal Race to the Top competitive grant program; the widespread interest in them overall in the Obama Administration; and the increasing student enrollment in charters to as much as 40 percent of the student population in some cities, it is instructive to review their approaches, makeups and success throughout the country.

- In seven states, chartering authority rests with local school districts;
- In four states, authority lies with the local school district and a state charter board;
- In nine states, authority is in the hands of the local school district and the state education agency;
- In 11 states, the state education agency is solely responsible;
- In the District of Columbia, the state charter board solely makes decisions; and
- In nine states, authority rests with a combination of those agencies noted above, and in some with an institution of postsecondary education or a non-profit entity.

Public Charter School Authorizers, 2008-2009					
Local School District alone	State Education Agency Alone	Local School District and State Education Agency	Local School District and Independent Charter Board	Independent Charter Board	Combination (in some cases including higher education institution or not-for-profit organization)
AK, IA, KS, MD, TN, VA, WY	AR, CT, HI, MA, MS, NC, NH, NJ, RI, TX, UT	CA, DE, GA, IL, LA, NM, NV, OR, PA	AZ, CO, ID, SC	DC	FL, IN, MI, MN, MO, NY, OH, OK, WI

Source: National Alliance for Public Charter Schools, Public Charter School Dashboard, 2009

<sup>1</sup> The bill modifies the charter school program in ESEA, the Per-Pupil Facilities Aid program, and Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation program in ESEA Title V-B-1 and 2.

*In 2010 charters enrolled just 3.7 percent of the public school students, having jumped from 349,642 students in 1,542 schools in 1999, to 1,815,655 in 5,277 schools in 2010.* Charter schools, as recipients of federal funds, must participate in statewide assessment programs as the mechanism to calculate Adequate Yearly Progress under the ESEA/NCLB. Like traditional public schools, they cannot discriminate based on academic ability, disability, race, color, gender, national origin, religion, or ancestry, and they cannot charge tuition.

Charters differ greatly from traditional public schools in their governance. They are governed by charter agreements typically of three to five-years in duration that are reviewed and renewed by their authorizing agency. They do not have elected boards, and often they do not have defined methods of choosing their boards. Frequently they have autonomy from many state and district regulations and can determine their own budgets, class and school size, as well as the length of the school year. Most often they are not a party to collective bargaining agreements or teacher or administrative tenure, and frequently do not provide health insurance or pension benefits for their teaching force.

Depending on the state where they are located, charter schools are most often smaller, and are clustered in urban areas, or in rural areas designated as enterprise and empowerment zones. Per pupil teacher ratios often are less. Charter schools may be run by educational management organizations, whether for-profit or not-for-profit, that operate and manage charter schools about 30 percent of charter schools nationwide. Frequently charter schools also have longer school days and/or years. They are inclined to adhere to a set of classroom behaviors that emphasize respect, individual effort, and anti-cheating approaches. Sometimes there is a requirement for parental involvement and family volunteer participation.

Many studies have been conducted on charter schools, but because the schools have been in existence for such a short time span and data is not necessarily uniform or solid, the studies are not considered to be sufficiently rigorous, reflecting more of an anecdotal or “snapshot” approach. This is expected to change as the number of charters and their students grow and the collection of longitudinal student-level data collection improves. Most studies have been conducted in either one state or a small number of states, challenging any national applicability. The most reliable and credible study of any sizeable scale by the Center for Research on Education Outcomes (CREDO) has built up the knowledge base in its examination of 15 states and the District of Columbia, a segment that represents 70 percent of the charter school student population nationally. That study found that where there were gains, they were generally in reading at the elementary level and in math at the middle school level. No net gains were found at the high school level. In overall performance of charter schools across multiple subject areas, CREDO determined that 17 percent of charters were doing significantly better than the traditional public schools from which the student population came, but 37 percent were performing significantly worse in terms of reading and math. The remaining 46 percent performed neither better nor worse.

## **CHALLENGES FACING LOCAL SCHOOL DISTRICTS**

Because charters are most often clustered in urban areas, they can pose unique logistical, cultural and structural problems. As a basic tenet, they seek to break the mold on personnel issues, most often skirting traditional, longstanding union agreements for teachers, school feeding program workers, maintenance staff, and bus drivers. The salaries for these alternative school employees overall are a little less than those for traditional public schools, but in some cases may be as little as half those of the local school district in which they are located. In some areas the benefits package for charter school teachers is trimmed back from that of their traditional school counterparts. If the charter is part of a larger school governance entity, such as an education service agency, this scenario can be extremely problematic in establishing increasingly utilized and promoted cooperative curriculum and school service agreements, not to mention the interpersonal difficulties such a situation poses in the community itself.

As emerging cultural and education centers, charter schools frequently take over closed public or private school buildings and renovate them. Given their competitive status with traditional public schools, this poses a special challenge for resolving school construction millage debt. In some reported instances, it has been noted that charters have taken over a building that previously housed a private school, and then proceeded to recruit and retain the same student body and maintain an almost identical curriculum, including the religious instruction. This creates a troubling scenario within the community and a special challenge for the public school system.

Often charter schools draw students from families that have become disenchanted with the local public schools or who have faced disciplinary action or student-to-student discrimination or bullying. Then when the student encounters similar behavior in the charter or resolves their issues, they frequently want to return to the public school from whence they came. Most often

there are not mechanisms in state school finance systems to provide per pupil financing for the returning pupils. Depending on the school and/or community issues in play, this can be a common pattern.

Student due process procedures in charter schools can be limited or non-existent. Students can face insurmountable challenges in trying to rectify an error in judgment or bad behavior and without an elected board representing the pulse and conscience of the community, they have no place to turn or to appeal their situation.

Charter schools often are extended unique latitude in fund raising and partnerships with the business community and foundations. In an especially competitive environment for student recruitment and in challenging economic times, charters can enjoy an extra advantage that could prove harmful to the public schools.

## **NSBA POSITION**

NSBA supports charter schools, provided they are authorized by the school boards in the communities where they are located. The local school board should determine accountability, such as determining the criteria that will be used in establishing the charter. (Currently local school boards authorize over one half of the nation's charter schools). Further, local school boards should retain the authority to decertify or not renew the charter of any school that fails to meet criteria set forth in the charter or as otherwise specified by the local school boards, including but not limited to a requirement that charter schools demonstrate improved student achievement. NSBA believes charter schools should have to abide by the same environmental, labor, due process, and fiscal laws that public schools must. Any new legislation should rectify areas where this is not the case and strengthen areas where it is, but it is not clear or firmly directed.

NSBA was forthright in its opposition to H.R. 2218. In a letter to the members of the House Committee on Education and the Workforce, Associate Executive Director Michael A. Resnick commented in part:

*“In addressing this important legislation, it was our hope that a bill of this magnitude, investing \$300 million in an austere budget environment, would have been fully reviewed in a public hearing with adequate time for widespread analysis and comment, especially from the field.”*

He went on to bring the committee's attention to a number of issues in the legislation falling into five categories—education issues, accountability, the criteria under which the grants are awarded, governance, and research results—to justify NSBA's opposition to the bill.

*For additional information, please contact Roberta E. Stanley, director of federal affairs at the National School Boards Association, at 703-535-1624 or [rstanley@nsba.org](mailto:rstanley@nsba.org).*